

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DR. MORGAN REYNOLDS on behalf of the  
UNITED STATES OF AMERICA,

Plaintiff/Relator,

v.

SCIENCE APPLICATIONS INTERNATIONAL  
CORP.; APPLIED RESEARCH ASSOCIATES,  
INC.; BOEING; NuSTATS; COMPUTER  
AIDED ENGINEERING ASSOCIATES, INC.;  
DATASOURCE, INC.; GEOSTAATS, INC.;  
GILSANZ MURRAY STEFICEK LLP;  
HUGHES ASSOCIATES, INC.; AJMAL  
ARBASI; EDUARDO KAUSEL; DAVID  
PARKS; DAVID SHARP; DANIELE  
VENEZANO; JOSEF VAN DYCK; KASPAR  
WILLIAM; ROLF JENSEN & ASSOCIATES,  
INC.; ROSENWASSER/GROSSMAN  
CONSULTING ENGINEERS, P.C.; SIMPSON  
GUMPERTZ & HEGER, INC.; S.K. GHOSH  
ASSOCIATES, INC.; SKIDMORE, OWINGS &  
MERRILL, LLP; TENG & ASSOCIATES, INC.;  
UNDERWRITERS LABORATORIES, INC.;  
WILL, JANNEY, ELSTNER ASSOCIATES,  
INC.; AMERICAN AIRLINES; SILVERSTEIN  
PROPERTIES; and UNITED AIRLINES,

Defendants.

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: **Index No.:**  
: **07-CV-04612 (GBD)**

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: **NOTICE OF MOTION**  
: **TO DISMISS**

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PLEASE TAKE NOTICE that, upon the accompanying declaration of Jason Harrington,  
Esq., of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, attorneys for  
defendant GILSANZ MURRAY STEFICEK LLP (“Gilsanz”), Gilsanz hereby joins, adopts  
and incorporates the motion to dismiss submitted by co-defendants Simpson Gumpertz &  
Heger, Inc. (“SGH”) and Computer Aided Engineering Associates, Inc. (“CAE”), docketed  
item number 23, filed on October 5, 2007, seeking to dismiss Plaintiff/Relator’s *qui tam*  
Complaint pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3).

WHEREFORE, for the reasons stated herein and within the motion to dismiss of SGH and CAE, Gilsanz respectfully requests that this Court permit Gilsanz to join, adopt, incorporate, and rely upon the memorandum of law and supporting facts, the motion to dismiss submitted by SGH and CAE, and further requests that this Court dismiss, in its entirety and with prejudice, Plaintiff/Relator's *qui tam* Complaint, together with such other and further relief as this Court deems just and appropriate.

Dated: New York, New York  
November 9, 2007

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Jason Harrington  
Jason Harrington (JH7273)  
Attorneys for Defendant  
Gilsanz Murray Steficek  
150 East 42<sup>nd</sup> Street  
New York, NY 10017  
(212) 490-3000 (p)  
(212) 490-3038 (f)

To:

JERRY V. LEAPHART & ASSOCIATES, P.C.  
Attn: Jerry V. Leaphart, Esq.  
Attorneys for Plaintiff/Relator  
8 West Street, Suite 203  
Danbury, CT 06810

and

All appearing parties via CM/ECF

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of November 2007, I electronically filed the **NOTICE OF MOTION TO DISMISS** and accompanying declaration, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP with the Clerk of the Court using the CM/ECF system which sends e-mail notification to appearing parties.

In addition, I further certify that on the 9<sup>th</sup> day of November 2007, I caused the **NOTICE OF MOTION TO DISMISS** and accompanying declaration, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP, to be served via first class mail upon the following party:

JERRY V. LEAPHART & ASSOCIATES, P.C.  
Attn: Jerry V. Leaphart, Esq.  
Attorneys for Plaintiff/Relator  
8 West Street, Suite 203  
Danbury, CT 06810

By: /s/ Jason Harrington